

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5490 of 2023

Arising Out of PS. Case No.-547 Year-2022 Thana- NAUBATPUR District- Patna

1. DEV KUMAR @ DISCO S/o Ajay Sharma @ Ajay Kumar Singh R/o Village- Chechaul, P.S.- Naubatpur, Distt- Patna.
2. Bittu Kumar S/o Ramanand Singh R/o Village- Chechaul, P.S.- Naubatpur, Distt- Patna.
3. Kanhaiya Kumar S/o Late Ranvijay Singh R/o Village- Chechaul, P.S.- Naubatpur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samrendra Kumar Jha
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for regular bail in a case
instituted for the offence under Sections 8C, 21B and C of the
N.D.P.S. Act.

As per prosecution case, there has been recovery of 10
sachet smack from petitioner no. 1, 15 sachet of smack from
petitioner no. 2 and 10 sachet of smack from petitioner no. 3.
Each sachet containing 0.2 gram so total 7 gram smack has been
recovered from the possession of these petitioners.

It is submitted by learned counsel for the petitioners



that petitioners have been falsely implicated in this case. They have committed no offence. The petitioners have no concern with the alleged recovery of narcotics substance and the same is alleged to be 7 gram from possession of all petitioners, which does not come under the purview of commercial quantity. It is further submitted that there is no compliance of Section 50 of the N.D.P.S. Act, which is evident from seizure list. They are languishing in judicial custody since 20.08.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Session Judge-XXV, Patna in connection with Naubatpur P.S. Case No. 547 of 2022.

(Sunil Kumar Panwar, J)

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